

1 AN ORDINANCE exercising the police power  
2 of King County to provide protection for  
3 purchasers of real property, requiring  
4 vendors to disclose (prior to purchaser's  
5 entry into any agreement to purchase)  
6 whether a percolation test has been  
7 performed upon the property; providing a  
8 form for such disclosure; and prescribing  
9 penalties.

10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

11 SECTION 1. Before the prospective purchaser of any  
12 parcel of real property to be used for residential or business  
13 purposes, except that property being transferred by court  
14 order, and not served by an approved public or an approved  
15 private sewer system, has entered into a binding agreement to  
16 purchase, the prospective vendor shall disclose, in a writing  
17 in the form (called the disclosure form) prescribed in this  
18 ordinance whether, prior to execution of the disclosure form,  
19 the parcel has been subjected to a percolation test which meets  
20 the standards imposed by King County Ordinance Number 931 (or  
21 any subsequent ordinance altering these standards) and rules  
22 issued pursuant thereto; provided that, in the alternative the  
23 prospective purchaser in writing on the disclosure form may  
24 waive vendor's disclosure either unconditionally or upon the  
25 condition that the sale will not be closed unless the parcel is  
26 subjected to a percolation test which meets the above requirements.

27 If the parcel has been tested, the disclosure form  
28 shall disclose the date and the conclusions of the percolation  
29 test, and the prospective vendor must sign the form and represent  
30 that his statements are true. The disclosure form must be signed  
31 by the prospective purchaser and the date of his signature must  
32 be written on the form. If the prospective vendor had a test  
33 performed upon the parcel, a copy of the report of the licensed

1 engineer or certificated system designer who performed that test  
2 must be attached to the disclosure form. If the prospective  
3 vendor has not had a percolation test performed upon the parcel,  
4 the vendor must sign a statement representing that fact and a  
5 statement either representing that he has no knowledge concerning  
6 the possibility of installing a septic tank system on the parcel  
7 or indicating what knowledge he has.

8 SECTION 2. Vendor's disclosure shall be substantially  
9 in the following form. The forms shall be printed and designed  
10 in a manner that facilitates comprehension and ease of reading  
11 by the prospective purchaser.

12 (DISCLOSURE FORM)

13 King County Ordinance No. \_\_\_\_\_ requires the  
14 following disclosure or alternative waiver form be completed  
15 prior to entry into a binding agreement to purchase.

16 NOTICE TO PURCHASER

17 If there is no reasonable access to a public sanitary  
18 sewer system from the parcel you are thinking of buying, you  
19 must install a private sewer system approved by the King County  
20 Department of Health in order to build a house or any structure  
21 which will be used for human habitation. No building permits  
22 are issued for parcels which cannot have access to approved  
23 public or approved private sewer systems. No permit will be  
24 issued for and no septic tank systems may be located on this  
25 parcel unless it has been subjected to a percolation test within  
26 one year prior to application for a building permit. Even if a  
27 timely percolation test has been made, no permit will be issued  
28 and no septic tank system may be located on this parcel if the  
29 Department of Health has not approved the plan for and approved  
30 the installation of the private sewer system. Before you  
31 enter into an agreement to  
32  
33

1 purchase this parcel, you should contact the King County Department  
2 of Health to determine the procedures for installing a private  
3 sewer system.

4 Your seller may have had a percolation test made on the  
5 parcel by a registered civil or sanitary engineer or certificated  
6 sewage disposal system designer. If so, that fact and the con-  
7 clusions of the test appear below.

#### 8 SELLER'S REPRESENTATIONS

##### 9 I. PERCOLATION TEST

10 Seller must complete either statement A or statement B as  
11 appropriate.

12 A. My agent \_\_\_\_\_, a registered  
13 (name of agent)  
14 civil or sanitary engineer or certificated sewage disposal  
15 system designer, has conducted percolation tests on this  
16 parcel: \_\_\_\_\_  
17

18 \_\_\_\_\_  
19 (legal description)  
20 \_\_\_\_\_  
21 \_\_\_\_\_  
22 \_\_\_\_\_

23 The percolation test was conducted on \_\_\_\_\_  
24 (date)

25 From the tests, my agent concluded that a septic tank  
26 system \_\_\_\_\_ be installed  
27 (could or could not)  
28 on this parcel in conformance with standards set by King  
29 County and in effect at the date of the test.

I represent that the statements above are true.

30 \_\_\_\_\_  
31 (seller's signature)

32 \_\_\_\_\_  
(date)

1 B. No percolation tests have been conducted on this parcel:

2 \_\_\_\_\_  
3 (legal description)  
4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_  
7 \_\_\_\_\_

8 I have no knowledge material to a determination whether a septic  
9 tank system may be installed on this parcel, except as follows:

10 \_\_\_\_\_  
11 (to be completed by seller)  
12 \_\_\_\_\_  
13 \_\_\_\_\_  
14 \_\_\_\_\_

15 I represent that the statements above are true.  
16

17 \_\_\_\_\_  
18 (seller's signature)  
19

20 \_\_\_\_\_  
21 (date)

22 BUYER'S SIGNATURE

23 I have read this statement and understand its contents.  
24

25 \_\_\_\_\_  
26 (Prospective purchaser's signature)  
27

28 \_\_\_\_\_  
29 (Date)  
30  
31  
32

## WAIVER (IN THE ALTERNATIVE)

I have read this disclosure form and understand its contents. I waive vendor's disclosure [ ] unconditionally. (Or) [ ] upon the condition this sale will not be closed unless this parcel is subjected to a percolation test which meets the requirements of the King County Department of Health.

\_\_\_\_\_  
(Prospective Purchaser's signature)

\_\_\_\_\_  
(Date)

SECTION 3: Three copies of each disclosure or alternative waiver form must be prepared. One copy shall be retained by the prospective vendor; one copy shall be retained by the prospective purchaser. If the prospective purchaser enters into a binding agreement to purchase, the vendor shall file the third copy with the King County Department of Records and Elections when other documents are recorded.

SECTION 4: A violation by any vendor or vendor's agent of any provision of this ordinance may result in assessment of a civil penalty in an amount not to exceed \$250.00 for each violation.

SECTION 5: The first violation by a particular vendor or vendor's agent of any provision of this ordinance is subject only to assessment of civil penalties. The Director of the Department of Health may promulgate a schedule of penalties to be assessed. The scheduled penalties may vary, in a reasonable manner, in accordance with the seriousness of the particular

1 violation and the number of violations by the vendor. A second  
2 or any subsequent violation, in addition to penalties assessed  
3 under Section Five of this ordinance, is a misdemeanor punishable  
4 by fine of not more than \$250.00 and/or imprisonment for a term  
5 not to exceed ninety days.

6 SECTION 6. The Director of the Department of Health is  
7 authorized to enforce this ordinance. The Director may assess  
8 civil penalties imposed by Section 5 for violations of provisions  
9 of this ordinance. The procedures for assessing civil penalties  
10 delineated in King County Ordinance No. 1219 Chapter 2, Section  
11 207, and Chapters 3, 4, 5 and 8, Sections 802 and 809, describing  
12 Appeals, Notice, and Orders of the Director or the Board of  
13 Appeals, Procedure for Conduct of Hearing Appeals and Recovery  
14 of Civil Penalty and Costs of Enforcement Action, are incorpor-  
15 ated by reference into this ordinance and shall govern enforce-  
16 ment and appellate procedures for collection of civil penalties  
17 authorized by this ordinance.

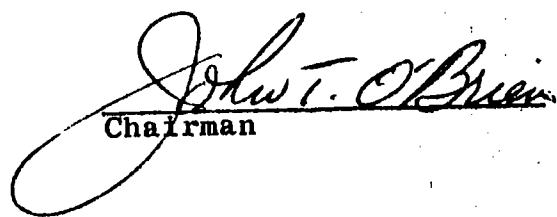
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1            SECTION 7. The effective date of this ordinance  
2 shall be July 1, 1973.


3            INTRODUCED AND READ for the first time this 18<sup>th</sup> day of  
4 December, 1972.

5            PASSED this 22nd day of January, 1973.

6 KING COUNTY COUNCIL  
7 KING COUNTY, WASHINGTON

8   
9 Chairman

10 ATTEST:

11   
12 Administrator-Clerk  
13 King County Council

14  
15 APPROVED this 25<sup>th</sup> day of January, 1973.

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18 King County Executive  
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